



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/991,852 | 11/16/2001 | Gary S. Jouas | 10238.002 | 9284 |
| 27887 | 7590 | 03/31/2004 | EXAMINER | |
| FENNEMORE CRAIG 3003 NORTH CENTRAL AVENUE SUITE 2600 PHOENIX, AZ 85012 | | | BUSHEY, CHARLES S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1724 | |

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/991,852

Applicant(s)

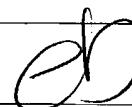
JOUAS, GARY S.

Examiner

Scott Bushey

Art Unit

1724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1724

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-15, and 18-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, independent claims 1, 7, and 13 have been amended by applicant to include language, which is not supported by the application as originally filed. In claims 1 and 13, the phrase “without a separate pad retainer”, and in claim 7 the phrase “does not require a separate pad retainer”, do not find support in the originally filed application papers.

Accordingly, the phrases should be removed from the claims in response to this Office action.

This is a new matter rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 7, 8, and 13-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Anderson (Fig. 2; col. 4, lines 36-45).

Art Unit: 1724

The reference clearly anticipates the claims as currently recited since the claim language does not differentiate the structure of applicant's outer panel from the grid (44) as taught by Anderson, which in conjunction with the inner louvered panel (50), retains the pad within the frame without any further retention means.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-6, and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson taken together with any one of Mallet, Cooper, and Huntington '102.

Anderson (Fig. 2; col. 4, lines 36-45) as applied above substantially disclose applicant's invention as recited by instant claims 3-6, and 9-12, except for the outer panel including louvered openings that essentially mirror those as provided by the inner panel. It is noted that the purpose of the louvers of the inner panel of Anderson are for prevention of droplet entrainment within the air stream passing through the cooler.

Mallet (The Figure; page 2, lines 16-26), Cooper (Fig. 3; page 1, lines 1-6; page 2, lines 43-47), and Huntington '102 (Fig. 1) each alternatively disclose wetted pads for treatment of a passing gas stream, wherein the inlet and outlet faces of the pad are covered by louvered panels, the louvers of each of the panels being angled inwardly and downwardly toward the bottom of the pad, thereby insuring against liquid entrainment within the passing gas stream. It would have been obvious for an artisan at the time of the invention, to provide the outer (inlet) panel of

Art Unit: 1724

Anderson with louvered openings, specifically having a mirror arrangement relative to the louvers on the inner panel, in view of any one of the alternative secondary references, since such would insure that the vast majority of moisture added to the pad would stay in the pad and thus provide the most efficient gas-liquid contact at the pad.

Response to Arguments

7. Applicant's arguments filed February 27, 2004 have been fully considered but they are not persuasive.

Applicant's arguments directed to the Anderson reference as applied under 35 U.S.C. 102(b) have been addressed in the rejection statement of paragraph 4 above. No further comment is deemed necessary with respect to the rejection of claims 1, 2, 7, 8, and 13-20.

With respect to the obviousness type rejection of claims 3-6, and 9-12, the secondary references are applied to demonstrate teachings within the art of upstream and downstream louvered panels bounding contact pads used to contact a through passing gas with a liquid that is used to wet the material between the louvered panels. It is clear from each of the secondary references that the louvers of the inlet and outlet panels bounding the pad material are inclined inwardly and toward the bottom of the pad to assist in retaining the pad material and the liquid between the pads while allowing the gas to pass freely there through.

8. Applicant's arguments with respect to claims 1-15, and 18-20 have been considered but are moot in view of the new ground of rejection, which were necessitated by applicant's amendments to the claims.

Art Unit: 1724

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Bushey whose telephone number is (571) 272-1153. The examiner can normally be reached on Monday-Thursday 6:30AM-5:00PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine R. Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott Bushey
Primary Examiner
Art Unit 1724

csb
3-24-04


3-24-03